

Application No. 09/932,250  
Docket No. 1999U021D2.US  
Reply to Advisory Action Dated March 31, 2004

### Remarks

#### **New and Cancelled Claims**

Claims 45, 48 and 49 have been cancelled.

Claims 56 and 57 are added, the subject matter of which is found in the specification as filed at, for example, pages 20-21, paragraphs [074] and [076] ("acids") and [077], [078] ("carbonates and hydroxides").

Claim 58 finds support at page 23, paragraph [090].

The claim limitation in new Claim 59 is derived from page 33, paragraph [145], and other portions of the specification as filed.

The new claims 60 and 61 derived from the Examples and page 24, paragraph [095].

The new claims 62 and 63 derive from the Examples and page 23, paragraph [091].

The new claim 64 derives from page 22, paragraph [081].

No new matter is added.

#### **Section 112 Rejections, first paragraph**

Claims 40-46, 48 and 49 stand rejected under 35 U.S.C. 112, first paragraph, as not being enabled. The Applicant traverses this rejection.

The scope of the claims are presently narrowed by amendment of Claim 40 such that the "first solid" is a —carboxylic acid— and the "second solid" is —carbonate or hydroxide compound—. These terms are well supported, making the claim scope commensurate with the teachings of the specification.

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Further, the added features of the “the onset temperature being greater than 5°C above the polymerization temperature in a polymerization reactor in which the catalyst composition is used, the polymerization temperature being in the range of from 50°C to 120°C” (page 22, paragraph [085]) further define the claims which the Applicant contends find support in the specification as filed.

The Applicant contends that the claims are presently enabled such that those skilled in the art can practice the invention without undue experimentation. Withdrawal of these rejections is requested.

**Section 112 Rejections, second paragraph**

Claims 40-46, 48 and 49 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. The Applicant traverses this rejection.

Claim 40 is amended to make clear that the “carboxylic acid and carbonate or hydroxide compounds do not react with each other to form a polymerization catalyst inhibitor below an onset temperature”. The “the onset temperature being greater than 5°C above the polymerization temperature in a polymerization reactor in which the catalyst composition is used, the polymerization temperature being in the range of from 50°C to 120°C” is described in page 23, paragraph [085], and in the examples, and can be chosen by those skilled in the art such that “compounds do not react with each other” at the desired polymerization temperature, and only at an “onset temperature”. The Applicant contends that this is clear from the description, and one skilled in the art could ascertain this, given the narrowed scope of the “carboxylic acid and carbonate compounds”.

Claim 46 is amended to remove the terms “bulky ligand” and “type” from the term “metallocene”.

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Withdrawal of these rejections is requested.

### Section 103 Rejections

Claims 40 - 49 have been rejected under 35 U.S.C. 103(a) as being unpatentable over *Klein et al.*, US 3,082,198 (herein after referred to as *Klein*). This rejection is traversed. Nowhere is there any teaching by *Klein* of employing acid and base compounds as now claimed that will deactivate the catalyst when the polymerization temperature rises above the polymerization operating temperature (at an "onset temperature") as now claimed.

The Applicant requests the withdrawal of this rejection.

In view of the above it is now respectfully submitted that the claims in this application are in condition for allowance. The Applicant invites the Examiner to telephone the undersigned attorney if there are any other issues outstanding which have not been presented to the Examiner's satisfaction.

Respectfully submitted,

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Date

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